

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JAMAR POWELL,

Plaintiff,

MEMORANDUM AND ORDER

-against-

18-CV-00332 (RPK) (RLM)

NEW YORK CITY POLICE DEPARTMENT,  
KINGS COUNTY HOSPITAL, BRONX  
LEBANON HOSPITAL, and BROOKDALE  
HOSPITAL,

Defendants.

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RACHEL P. KOVNER, United States District Judge.

Plaintiff Jamar Powell brought this lawsuit while incarcerated at Rikers Island in 2018. On August 31, 2020, the Court granted plaintiff's request to proceed *in forma pauperis* but dismissed the complaint under 28 U.S.C. § 1915(e)(2)(B). The Court granted plaintiff leave to file an amended complaint within 30 days. *See* Aug. 31, 2020 Order (Dkt. #9).

The Court's August order was mailed to plaintiff's last known addresses at the Brooklyn Detention Complex and the George R. Vierno Center on Rikers Island. On September 28, 2020, one of the envelopes was returned, marked "Discharged," and labeled with the United States Postal Service notation "Return to Sender / Attempted – Not Known / Unable to Forward." *See* Mailed Copy of Aug. 31, 2020 Order (Dkt. #10). The New York State Department of Corrections and Community Supervision website indicates that plaintiff was released from state custody on July 13, 2020. *Inmate Lookup*, New York State Dep't of Corrections and Community Supervision, <http://nysdoccslookup.doccs.ny.gov/GCA00P00/WIQ3/WINQ130> (last visited Nov. 16, 2020).

This action is dismissed. Plaintiff has not filed an amended complaint within the 30-day period permitted under the August order. While plaintiff may not have received the order because

of a change in address, that possibility does not render the August order inoperative. Litigants are responsible for ensuring that accurate address information is on file with the Court. *See Citak v. More Consulting Corp.*, No. 17-CV-6049, 2018 WL 5311411, at \*2 (E.D.N.Y. Oct. 25, 2018) (collecting cases). Where a plaintiff misses the deadline for filing an amended complaint to remedy pleading defects, and the Court has “no way of contacting” the plaintiff due to his failure to provide an up-to-date address, the Court is left with “no choice but to dismiss his action.” *Newland v. Warden of Otis Bantam Corr. Ctr.*, No. 16-CV-725, 2018 WL 3489572, at \*1 (E.D.N.Y. July 19, 2018); *see Spaulding v. Figeroux*, No. 16-CV-1040, 2016 WL 11645382, at \*1 (E.D.N.Y. May 17, 2016) (dismissing case after order granting leave to amend was returned undeliverable and pro se plaintiff failed to amend); *see also Gonzalez v. Walker*, No. 10-CV-2896, 2011 WL 534358, at \*1 (E.D.N.Y. Jan. 6, 2011) (“When a *pro se* litigant fails to provide the court with notice of a change of address and misses an important deadline as a result of this failure, a court may deny that litigant relief.”).

Accordingly, the action is dismissed. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and therefore *in forma pauperis* status is denied for purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962). The Clerk of Court is directed to enter judgment and close this case.

SO ORDERED.

/s/ Rachel Kovner  
RACHEL P. KOVNER  
United States District Judge

Dated: November 16, 2020  
Brooklyn, New York